

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 28, 2005 ("Office Action"). At the time of the Office Action, Claims 1-10 were pending in the Application. In the Office Action, the Examiner rejects Claims 1-10. Applicant amends Claims 1, 5, 7, and 9 and cancels Claim 10. Applicant adds new Claims 11-32. As described below, Applicant believes all claims to be allowable over the cited references. Therefore, Applicant respectfully requests reconsideration and full allowance of all pending claims.

Section 112 Rejections

The Examiner rejects Claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this Response to Office Action, Applicant has amended Claims 1 and 7 and, in the process, has improved the clarity of the claims. Accordingly, Applicant respectfully submits that Claim 7 is in accordance with 35 U.S.C. § 112, second paragraph. Therefore, Applicant respectfully requests reconsideration and allowance of Claim 7.

Section 102 Rejections

The Examiner rejects Claims 1-5, 7, and 9-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,125,390 issued to Touboul ("*Touboul*").

Independent Claim 1 of the present application, as amended, recited:

A method for reporting the context of an alert condition,
comprising:

reporting an alert condition associated with a subject
system object;

identifying a relevant system object that is associated with
the subject system object;

analyzing the subject system object associated with the
alert condition and the relevant system object to obtain context
data;

generating a context message based on the context data;
and
outputting the context message.

In order to establish a *prima facie* case of anticipation, all the elements of the claimed invention must be found within a single prior art reference. *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 U.S.P.Q. 138 (2d Cir. 1942). In addition, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claims” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (*emphasis added*). Applicant respectfully submits that *Touboul* does not disclose, teach, or suggest each and every element of Applicant’s Claim 1.

For example, *Touboul* does not disclose, teach, or suggest “identifying a relevant system object that is associated with the subject system object,” as recited in Applicant’s Claim 1. Rather, *Touboul* discloses “a method and apparatus which automatically detects and corrects error conditions occurring in programs running on network workstations.” (Column 1, lines 12-15). Specifically, an agent 14 “monitors the applications and the operating system.” (Column 7, lines 39-40). “[W]hen an interrupt [of an application] is generated,” an agent 14 “hooks or traps that interrupt and determines if there is an error condition.” (Column 7, lines 40-41). If there is an error condition, “the error is recorded as an alert which is reported to the monitor 2.” (Column 7, lines 41-43). “The alert is sent by the agent to the monitor and includes identification of the type of problem, the workstation on which it occurred, the name of the program which caused the error, and a recommended corrective action.” (Column 7, lines 43-46). Thus, the alert merely identifies the application that has generated the error. In response to the alert, a trigger (or command) “can be called by the monitor 2 to be executed automatically as part of a procedure.” (Column 8, lines 58-61). “For example, if a problem is detected with a WORDPERFECT application, the system accesses the appropriate view and sends a freeze workstation trigger to the workstation running the failed application.” (Column 8, lines 48-52). Thus, the system of *Touboul* identifies the error-causing application and

applies a corrective measure to address the identified problem. There is no disclosure in *Touboul*, however, of “identifying a relevant system object that is associated with the subject system object,” as recited in Applicant’s Claim 1.

For similar reasons, Applicant respectfully submits that *Touboul* also does not disclose, teach, or suggest “analyzing the subject system object associated with the alert condition and the relevant system object to obtain context data,” as recited in Applicant’s Claim 1. As described above, the alert of *Touboul* merely includes “identification of the type of problem, the workstation on which it occurred, the name of the program which caused the error, and a recommended corrective action.” (Column 7, lines 43-46). Thus, in recommending and applying corrective actions, *Touboul* only discloses identifying the program that caused the error. *Touboul* does not disclose, teach, or suggest “analyzing the subject system object associated with the alert condition and the relevant system object to obtain context data,” as recited in Applicant’s Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 1, together with Claims 2-8 that depend from Claim 1.

The Examiner also relies on *Touboul* to reject independent Claim 9. Applicant respectfully submits, however, that *Touboul* does not disclose, teach, or suggest each and every element of Applicant’s independent Claim 9. For example, Claim 9 recites “means for identifying a relevant system object that is associated with the subject system object.” As another example, Claim 9 recites “means for analyzing the subject system object associated with the alert condition and the relevant system object to obtain context data.” Thus, for reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully submits that *Touboul* does not disclose, teach, or suggest each and every element set forth in Applicant’s independent Claim 9.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 9.

Section 103 Rejections

The Examiner rejects Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Touboul* in view of “Official Notice.”

Claim 6 is patentable at least because it depends on Claim 1, which Applicant has shown above to be allowable. Additionally, Claim 6 is patentable because it recites additional features and operations not disclosed, taught, or suggested in the prior art. In the Office Action, the Examiner has acknowledged that *Touboul* does not disclose, teach, or suggest “determining a traffic load associated with the subject system object,” as recited in Claim 6. (Office Action, page 5). Instead, the Examiner has taken Official Notice of the recited elements. Applicant respectfully traverses the rejection of Claim 6 on this basis. To the extent that the Examiner maintains this rejection based on “Official Notice,” “well-known art,” common knowledge, or other information within the Examiner’s personal knowledge, Applicant respectfully requests that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Touboul* in view of U.S. Patent No. 5,440,688 issued to Nishida (“*Nishida*”).

Claim 8 is patentable at least because it depends on Claim 1, which Applicant has shown above to be allowable. Additionally, Claim 8 is patentable because it recites additional features and operations not disclosed, taught, or suggested in the prior art. Since Claim 8 incorporates the limitations of Claim 1, which Applicant has shown above to be allowable, Applicant has not provided detailed arguments with respect to Claim 8. However, Applicant remains ready to do so if it becomes appropriate. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 8.

New Claims 11-32 are Allowable

New Claims 11-32 have been added and are fully supported by the original specification. No new matter has been added. Applicant respectfully submits that the cited art does not disclose, teach, or suggest each and every feature of new Claims 11-32. For example, independent Claim 11 recites logic “for transposing data trees, the logic encoded in media and operable when executed to . . . identify a relevant system object that is associated with the subject system object . . . [and] analyze the subject system object associated with the alert condition and the relevant system object to obtain context data.” As another example, independent Claim 21 recites “a management application module coupled to the database and operable to . . . identify a relevant system object that is associated with the subject system object . . . [and] analyze the subject system object associated with the alert condition and the relevant system object to obtain context data.” Accordingly, for reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully submits that the prior art of record does not disclose, teach, or suggest each and every element set forth in Applicant's new Claims 11-32. For at least these reasons, Applicant respectfully submits that new Claims 11-32 are allowable over the prior art.

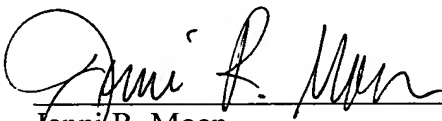
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicant, at the Examiner's convenience at (214) 953-6809.

Applicant encloses a check in the amount of \$750.00 for additional claims. Applicant believes that no other fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



Jenni R. Moen
Reg. No. 52,038

Date: October 6, 2005

Correspondence Address:

at Customer No. **05073**